

REMARKS

Claims 33-86 are pending in this application. Claims 33-72 and 81-86 have been withdrawn from consideration.

Applicant acknowledges with appreciation the Examiner's withdrawal of the prior rejections of claims 73-80 under 35 U.S.C. 112, first paragraph, for failure to comply with the written description requirement, under 35 U.S.C. 101 for lack of patentable utility, and under 35 U.S.C. 112, first paragraph for lack of enablement.

Rejection of Claims 73-80 for Nonstatutory Obviousness-Type Double Patenting

The Examiner rejects claims 73-80 under the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Patent No. 5,830,887. Office Action at pages 2-3.

Solely to advance prosecution, with this Amendment, Applicant includes a Terminal Disclaimer over U.S. Patent No. 5,830,887.

In light of the Terminal Disclaimer filed herewith, Applicant respectfully requests withdrawal of the double patenting rejection over U.S. Patent No. 5,830,887.

Completeness of the File Wrapper

Should this submission put the case in condition for allowance, Applicant wishes to bring again to the attention of the Examiner the continued examination of co-pending cases, U.S. Application Nos. 10/459,537 (attorney docket 07579-0013-01000) and 10/600,004 (attorney docket no. 07579-0015-01000). In addition, Applicant notes that U.S. Patent No. 5,830,887 has currently pending counterpart applications, Reissue Application No.: 09/602,191 (attorney docket no. 07579-0001-00000), Application Nos. 10/611,087 (attorney docket no. 07579-0005-04000) and 11/490,865 (attorney docket no. 07579-0005-07000).

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests withdrawal of the rejection and timely allowance of the pending claims. Should the Examiner have remaining questions or concerns regarding this application, Applicant requests that the Examiner contact the undersigned at 650-849-6607 to schedule an interview to discuss the application.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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